IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

LA.App..No. 556 of 2003()

LAR.171/1998 of PRL.SUB COURT,KOTTAYAM
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APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS: CLAIMANTS
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1. SRI.SIVARAMAN, MANGARAKUNNEL HOUSE,
NJEEZHOOR TALUK

2. SMT. VILASINI W/O. SIVARAMAN OF DO.DO.

BY ADV. SRI.M.P.MADHAVANKUTTY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 08/03/2007, HE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

L.A.A.No.556 of 2003

Dated 8th March, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in L.A.R.No.171 of 1998 on the file of the Sub Court, Kottayam. The acquisition was for the purpose of Muvattupuzha Valley Irrigation Project, Ettumanoor Branch Canal. Section 4(1) notification was issued on 11.11.1994. The Land Acquisition Officer took Ext.R1 as basis document. The same was executed on 23.3.1992. However, 30% of the value was reduced by the Land Acquisition Officer from the basis document on the ground that the acquired property was included in category No.II. Category No.II relates to land having no road access and low yielding rubber crops. But, from the judgment itself it is seen that the acquired property is situated only ½ Km. away from Kanakkancheri bridge as per the mahazar prepared by the land acquisition authorities and that "There is Panchayat road on the south." The claimants produced Exts.A1 and A2 documents executed on 17.7.1995 and 20.7.1995. Of course, they are post Section 4(1) notification documents. However, for the limited purpose of understanding the progressive enhancement of the

land value in the area, there is no harm in referring to the value fixed in those documents. Ext.A1 is of 11 cents and the land value is Rs.99,000/-, i.e., Rs.9,000/- per cent. Ext.A2 is 7 cents and the value is Rs.56,000/-, i.e., Rs.8,000/- per cent. The basis document is one executed two years prior to Section 4(1) notification. Taking note of the importance of the locality and the road access only, the reference court fixed the land value by enhancing only 60% from the value fixed by the Land Acquisition Officer. In the facts and circumstances of the case and on the basis of the materials available on record, we are of the view that the reference court has fixed the land value by enhancing it from Rs.8,649/- per Are to Rs.13,838/- per Are along with statutory benefits, in a just and reasonable manner. We agree with the reasonings and findings of the reference court. There is no merit in the appeal. It is accordingly dismissed.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

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KURIAN JOSEPH & K.T.SANKARAN, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 8th March, 2007.